

15 MISC 00041

DOC # 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
Rules 18 AND 19 FOR THE :
DIVISION OF BUSINESS :
AMONG DISTRICT JUDGES :
SOUTHERN DISTRICT :
OF NEW YORK ONLY :
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STANDING ORDER

WHEREAS, the Judicial Improvements Committee is investigating whether there is an imbalance, temporary or otherwise, between the number of cases per active judge wheeled out in White Plains and Foley Square,

WHEREAS, obtaining accurate numbers to permit a useful comparison is taking longer than anticipated,

WHEREAS, the Assignment Committee, after consultation with the White Plains judges, has recommended, and the Board of Judges of the Southern District of New York on February 17, 2015, has approved a temporary amendment to Rules 18 and 19 of the Rules for the Division of Business,

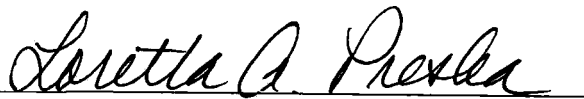
IT IS HEREBY ORDERED that:

- 1) As soon as is practicable the Clerk of Court shall create a Temporary White Plains Wheel ("TWPW") and place in that wheel: 1) twenty percent of all new criminal indictments and informations wheeled out to judges in White Plains; and 2) twenty percent of all new civil cases filed in White Plains, excluding pro se cases, related cases, MDL cases, and district-wide wheel cases (NOS codes 510, 530, 861, 862, 863, 864, and 865) (collectively, "TWPW Cases"). TWPW cases shall be selected randomly.
- 2) TWPW Cases shall be wheeled out randomly to judges in Foley Square who volunteer to receive those cases (the "Foley Square Volunteers" or "FSVs"). A FSV may opt in or out of the civil or criminal TWPW, except only a senior judge who is a FSV may opt out of specific

categories of cases. In no event shall any FSV receive more than ten civil White Plains cases and five criminal White Plains cases during the pendency of this Order. In the unlikely event that there is an insufficient number of FSVs to accept all cases in the TWPW, the Assignment Committee will randomly reassign the excess cases to the White Plains judges.

- 3) To the extent that a FSV determines that there exists good cause why a TWPW case should not be assigned to Foley Square, he or she may transfer the case back to White Plains, stating the reason(s) therefor in a memorandum to the Assignment Committee.
- 4) In order to provide residents of the Northern Counties the greatest opportunity to attend trials of cases originating in the Northern Counties, it shall be presumed that TWPW cases will be tried in White Plains. Before a FSV determines that a TWPW case will be tried in Foley Square, he or she shall inquire whether a White Plains judge will accept the case for trial.
- 5) This Standing Order shall expire on the earliest of 1) June 30, 2015; 2) the date the Board of Judges determines after hearing a report by the Judicial Improvements Committee that it is not necessary to adjust assignment of cases between White Plains and Foley Square; or 3) the date the Board of Judges accepts a plan proposed by the Judicial Improvements Committee to adjust assignment of cases between White Plains and Foley Square.

SO ORDERED.



Loretta A. Preska
Chief Judge

Dated: New York, New York

February 18, 2015